

REMARKS

Applicant thanks the Examiner for acknowledging Applicant's claim to foreign priority under 35 U.S.C. § 119(a)-(d), and for confirming that the certified copy of the priority document has been received at the Patent Office.

Claim Objections:

The Examiner has maintained the objection to claims 6, 7, 30, and 31 under 37 C.F.R. § 1.75(c) as being in improper dependent form. Specifically, the Examiner again asserts that these claims do not further limit the subject matter of the claims from which they depend because their respective independent claims contain the phrase "consists essentially of".

Applicant continues to disagree with the Examiner, as the claims are in proper format. However, Applicant has amended claims 6 and 30, as shown in the previous section, to address the Examiner's concerns. Specifically, these claims have been amended to "re-arrange" the limitations of the claims. The language of these claims now makes it clear that the compatibility enhancing agent is a part of the resin composition. As such, the format of these claims is proper and Applicant hereby requests the Examiner reconsider and withdraw the above objection to the claims.

Claim Rejections:

Claims 3-7 and 27-31 are the only claims pending in the present application, and currently all of the claims stand rejected.

35 U.S.C. § 112 2nd Paragraph Rejection - Claims 6, 7, 30, and 31:

The Examiner has rejected claims 6, 7, 30 and 31 under 35 U.S.C. § 112, 2nd paragraph as being indefinite for similar reasons set forth above regarding the objection to the claims. As discussed above, Applicant has amended claims 6 and 30 to clarify the claimed rejection. In view of the amendments discussed above, Applicant submits that the claimed subject matter is clear to one of ordinary skill in the art. Accordingly, Applicant hereby requests the Examiner reconsider and withdraw the above 35 U.S.C. § 112, 2nd paragraph rejection.

35 U.S.C. § 103(a) Rejection – Claims 3-7 and 27-31:

Claims 3-7 and 27-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the previously applied Matsuura and Nishimura references in view of U.S. Patent No. 4,338,413 to Coran. In view of the following discussion, Applicant respectfully traverses the above rejection..

In this rejection, the Examiner applied both the Matsuura and Nishimura references for the same reasons and in the same way as previously applied. However, the Examiner has added the Coran reference to teach the use of a compatibility enhancing agent for enhancing the compatibility between a polyamide resin and a low water absorption resin.

Specifically, the Examiner alleges that Coran discloses a thermoplastic composition which contains a polyolefin polymer, a nylon and a functionalized olefin polymer (*see* Coran col. 8, lines 29-42). Further, the Examiner alleges that Coran discloses a maleic acid modified polypropylene which is used to compatibilize the polypropylene and nylon. The Examiner is

equating the maleic acid modified polypropylene with the compatibility enhancing agent of the claimed invention.

Thus, in rejecting the claims, the Examiner is essentially asserting that the thermoplastic composition which contains a polyolefin polymer, a nylon and a functionalized olefin polymer is similar to the claimed resin composition, such that the use of the maleic acid modified polypropylene, in Coran, renders the use of a compatibility enhancing agent, as in the present invention, obvious. However, Applicant disagrees with the Examiner, as such a combination would not have been obvious to a skilled artisan.

First, as indicated above, Coran discloses a thermoplastic composition having polyolefin polymer, a nylon and a functionalized olefin polymer. However, Applicant questions whether either of the polyolefin polymer or the functionalized olefin polymer can be characterized as a “low water absorption polymer,” as in the claims. Because Applicant disagrees with the Examiner characterization of these compositions as “low water absorption polymers,” the Examiner’s assertion of obviousness is in error. Namely, because these compositions are not “low water absorption polymers” even if the references were combined, they would fail to teach or suggest each and every feature of the claimed invention.

Second, the compositions set forth in Matsuura and Coran are different such that a skilled artisan would not have found it obvious to use the maleic acid modified polypropylene as a compatibilizer in the Matsuura composition. Stated differently, because the compositions in Matsuura and Coran are so dissimilar it would not have been obvious that (1) the use of a compatibilizer was necessary in the Matsuura composition, or that (2) the maleic acid modified

polypropylene would have functioned as a compatibilizer in Matsuura. Thus, the Examiner use and reliance on the Coran reference is misplaced and in error, as a skilled artisan would not have found it obvious to combine these references as suggested by the Examiner.

Namely, there is no indication or teaching that a compatibilizer was needed for the Matsuura composition, and because of this a skilled artisan would not have been motivated to use or add the compatibilizer of Coran. Furthermore, because of the dissimilar nature of the compositions in both Coran and Matsuura, it would not have been obvious to skilled artisan that the maleic acid modified polypropylene, of Coran, would have functioned as a compatibilizer in the Matsuura composition. There is no expectation of success regarding this alleged mixture, nor is there any teaching or suggestion to make such a combination.

In view of the foregoing, Applicant submits that there is no teaching or suggestion to combine the above references as suggested by the Examiner. Namely, there is no teaching in either Matsuura or Nishimura of the need for a compatibilizer, nor is there a teaching or suggestion that the maleic acid modified polypropylene would act as a compatibilizer in the Matsuura composition, as suggested by the Examiner. Without such teaching or suggestion, the Examiner has failed to establish a *prima facie* case of obviousness with respect to the rejected claims, as required under the provisions of 35 U.S.C. § 103(a). Accordingly, Applicant hereby requests the Examiner reconsider and withdraw the above 35 U.S.C. § 103(a) rejection of the above claims.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 09/988,283


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Conclusion:

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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